

IN THE CLAIMS:

Please AMEND claims 1 to 6, 16 and 17, as follows:

1. (Currently Amended) A sheet stacking apparatus comprising:

a first tray on which sheets discharged from an outlet are stacked, said first tray being movable between (1) a stacking position at which the sheets discharged from the outlet are stacked and (2) a first retracted position retracted from the stacking position; and above the outlet;

a second tray on which the sheets discharged from the outlet are stacked, said second tray being disposed below said first tray, said second tray being movable between (1) a stacking position at which the sheets discharged from the outlet are stacked and (2) a second retracted position below the stacking position; and

a controller that controls movement of said first tray, ~~wherein~~ and said second tray independently of each other; ~~wherein when the sheets are to be stacked on said first tray; said controller stops descending movement of said second tray by measuring a time period corresponding to~~ when a moving distance of said second tray from the stacking position reaches a predetermined constant distance ~~which is set so that the top surface of the sheets stacked on said second tray does not interfere with said first tray which is at the stacking position.~~

2. (Currently Amended) The sheet stacking apparatus according to Claim 1, further comprising a sensor that detects the sheets on said second tray,

wherein the predetermined ~~constant~~ distance is set to a distance of movement up to just before an output of said sensor changes from a sheet present indication to a sheet absent indication.

3. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein after the moving distance of said ~~second~~ tray reaches the predetermined constant distance, said controller initiates an ascending movement of said ~~second~~ tray in response to a change of the output of said sensor from a sheet present indication to a sheet absent indication and stops the ascending movement in response to a change of the output of said sensor from a sheet absent indication to a sheet present indication.

4. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein when the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said controller stops said ~~second~~ tray regardless of the output of said sensor.

5. (Currently Amended) The sheet stacking apparatus according to Claim 2, wherein before the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said controller initiates the ascending movement of said ~~second~~ tray in response to a change of the output of said sensor from “~~sheet present~~” to “~~sheet absent~~,” a sheet present indication to a sheet absent indication and to stop ascending in response to a change of the output of said sensor from a sheet absent indication to a sheet present indication.

6. (Currently Amended) The sheet stacking apparatus according to Claim 2, further comprising a second sensor that detects that said ~~second~~ tray has descended to reach a lower limit ~~when the sheets are to be stacked onto said first tray,~~

wherein when said ~~second~~ tray descends to the predetermined ~~constant~~ distance, said controller controls said ~~second~~ tray to stop descending in response to the detection by the second sensor that said ~~second~~ tray has reached the lower limit.

7-15. (Canceled)

16. (Currently Amended) The sheet stacking apparatus according to Claim 1, wherein when the moving distance of said ~~second~~ tray reaches the predetermined ~~constant~~ distance, said ~~second~~ tray is above the ~~second~~ retracted position.

17. (Currently Amended) The sheet stacking apparatus according to Claim 1, further comprising a sensor that detects the sheets on said ~~second~~ tray,

wherein the predetermined ~~constant~~ distance is set to a distance of movement up to after an output of said sensor changes from a sheet absent indication to a sheet present indication.